Pools Proprie 27 APR 2005







INTERNATIONAL PRELIMINARY EXAMINATION REPORT

| | | PC | ${f T}$ | | -4 % () |
|-------------------------------------|--|---|---|-------------------|---|
| anslation | INTERNATIO | NAL PRELIMINA | RY EXAMIN | ATION REP | PORT |
| | | (PCT Article 36 | and Rule 70) | | |
| Applicant's or agent's FPCT1 | | FOR FURTHER ACT | | | ansmittal of Internate port (Form PCT/IPEA) |
| International application PCT/JP200 | on No. | International filing date (28 October 2003 (| | 1 ' | day/month/year) per 2002 (28.10.200 |
| | | ional classification and I | | | , , , , , , , , , , , , , , , , , , , |
| Applicant | HI | TACHI MEDICAL | CORPORATIO |)N | |
| and is transmi | tted to the applicant acc | ation report has been pre ording to Article 36. | • | | nary Examining Author |
| amende 70.16 a | ed and are the basis for t | d by ANNEXES, i.e., she this report and/or sheets of dministrative Instruction | ontaining rectific | | |
| These a | annexes consist of a tota | l of she | _ | | |
| | | ofshe | ets. | | . |
| | | | ets. | | |
| | ontains indications relatir | | ets. | - | |
| 3. This report co | ontains indications relating Basis of the report | | ets. | tep and industria | al applicability |
| 3. This report co | ntains indications relations Basis of the report Priority Non-establishment of Lack of unity of inver | ng to the following items opinion with regard to n | ets. | | |
| 3. This report co | ntains indications relations Basis of the report Priority Non-establishment of Lack of unity of inver | ng to the following items | ets. | | |
| 3. This report co | ntains indications relations Basis of the report Priority Non-establishment of Lack of unity of inver | ng to the following items opinion with regard to nution nder Article 35(2) with reions supporting such state | ets. | | |
| 3. This report co | Priority Non-establishment of Lack of unity of inver Reasoned statement u citations and explanat Certain documents cit | ng to the following items opinion with regard to nution nder Article 35(2) with reions supporting such state | ets. | | |
| 3. This report co | Priority Non-establishment of Lack of unity of inver Reasoned statement u citations and explanat Certain documents cit | ng to the following items opinion with regard to nation nder Article 35(2) with reions supporting such stated | ets. ovelty, inventive s egard to novelty, is | | |
| 3. This report co | Priority Non-establishment of Lack of unity of inver Reasoned statement u citations and explanat Certain documents cit | ng to the following items opinion with regard to n ntion nder Article 35(2) with r ions supporting such stated | ets. ovelty, inventive s egard to novelty, is | | |
| 3. This report co | Priority Non-establishment of Lack of unity of inver Reasoned statement u citations and explanat Certain documents cit Certain defects in the | opinion with regard to nation nder Article 35(2) with rions supporting such stated international application on the international appli | ets. ovelty, inventive s egard to novelty, is | nventive step or | |
| 3. This report co | Priority Non-establishment of Lack of unity of inver Reasoned statement u citations and explanat Certain documents cit Certain defects in the | opinion with regard to nation nder Article 35(2) with rions supporting such states international application on the international appli | ets. evelty, inventive s egard to novelty, in ement eation ate of completion | nventive step or | industrial applicability; |

Form PCT/IPEA/409 (cover sheet) (July 1998)





| ┡ | | of the re | |
|----|-------------|---|--|
| 1. | With | regard to | the elements of the international application:* |
| | \boxtimes | the inter | ernational application as originally filed |
| | | the desc | cription: |
| | _ | pages | , as originally filed |
| | | pages | , filed with the demand |
| | | pages - | , filed with the letter of |
| | | the clair | ms: |
| | | pages | , as originally filed |
| | | pages | , as amended (together with any statement under Article 19 |
| | | pages | , filed with the demand |
| | | pages - | , filed with the letter of |
| | | the draw | |
| | | pages | , as originally filed |
| | | pages | , filed with the demand |
| | | pages | , filed with the letter of |
| | | the seque | nce listing part of the description: |
| | <u> </u> | pages | , as originally filed |
| | | pages | , as originally filed, filed with the demand |
| | | pages | , filed with the letter of, nied with the demand |
| 2. | me n | mernation se element the lang the lang | o the language, all the elements marked above were available or furnished to this Authority in the language in which nal application was filed, unless otherwise indicated under this item. ts were available or furnished to this Authority in the following language which is: guage of a translation furnished for the purposes of international search (under Rule 23.1(b)). guage of publication of the international application (under Rule 48.3(b)). guage of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/). |
| 3. | With | illiliary ex | to any nucleotide and/or amino acid sequence disclosed in the international application, the international xamination was carried out on the basis of the sequence listing: led in the international application in written form. |
| | H | | gether with the international application in written form. |
| | H | | ed subsequently to this Authority in written form. |
| | H | | ed subsequently to this Authority in written form. ed subsequently to this Authority in computer readable form. |
| | Ħ | | |
| | | internat | atement that the subsequently furnished written sequence listing does not go beyond the disclosure in the tional application as filed has been furnished. |
| | Ш | The star | atement that the information recorded in computer readable form is identical to the written sequence listing has imished. |
| 4. | | The am | endments have resulted in the cancellation of: |
| | | | the description, pages |
| | | | the claims, Nos. |
| | | | the drawings, sheets/fig |
| 5. | | This repo | ort has been established as if (some of) the amendments had not been made, since they have been considered to go the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).** |
| | and 7 | 10.17). | heets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 |
| ** | Any r | eplaceme | ent sheet containing such amendments must be referred to under item 1 and annexed to this report. |
| | | | • |





| III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | |
|--|--|--|--|--|
| 1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of: | | | | |
| th | ne entire international applic | ation. | | |
| ⊠ c | laims Nos. | 3-10, 13-20 | | |
| because: | | | | |
| ⊠ th | ne said international applicat elate to the following subject | ion, or the said claims Nos. matter which does not require an interna | 13-20 ational preliminary examination (specify): | |
| See | e supplemental | sheet | | |
| | | | | |
| | | | | |
| | | | | |
| th ar | ne description, claims or drav re so unclear that no meaning | wings (indicate particular elements below gful opinion could be formed (specify): | v) or said claims Nos | |
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| +h | o oloimo, ou ocid alainna NI | | | |
| by | the description that no mea | ningful opinion could be formed. | are so inadequately supported | |
| no no | o international search report | has been established for said claims Nos. | 3-10, 13-20 | |
| 2. A meaning sequence | gful international preliminar listing to comply with the st | y examination cannot be carried out du andard provided for in Annex C of the A | e to the failure of the nucleotide and/or amino acid dministrative Instructions: | |
| | | furnished or does not comply with the sta | | |
| th | e computer readable form ha | s not been furnished or does not comply | with the standard. | |
| | | | | |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Internation polication No.
PCT/JP 03/13771

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III.1

The inventions that are set forth in claims 13 to 20 are considered to be diagnostic methods that are practiced upon the human body, and thus relate to a subject matter for which this International Preliminary Examining Authority is not required to carry out an international preliminary examination under the provisions of PCT Article 34(4)(a)(i) and PCT Rule 67.1(iv).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

| Internat | application No. |
|----------|-----------------|
| PCT/JP | 03/13771 |

| V. | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; |
|----|--|
| | citations and explanations supporting such statement |

| 1. | Statement | | | |
|----|-------------------------------|--------|--------------|-----|
| | Novelty (N) | Claims | | YES |
| | | Claims | 1, 2, 11, 12 | NO |
| | Inventive step (IS) | Claims | | YES |
| | | Claims | 1, 2, 11, 12 | NO |
| | Industrial applicability (IA) | Claims | 1, 2, 11, 12 | YES |
| | | Claims | | NO |

2. Citations and explanations

Document 1: JP 7-303644 A (Fujitsu, Ltd.), & US 5462058
A

Claims 1, 2, 11 and 12

The inventions that are set forth in claims 1, 2, 11 and 12 lack novelty and do not involve an inventive step in the light of document 1 cited in the international search report. Document 1 discloses an ultrasonographic diagnostic device wherein tomographic images and elasticity images are acquired while switching.



International application No.
PCT/JP2003/013771

VI. Certain documents cited 1. Certain published documents (Rule 70.10) Application No. **Publication date** Filing date Priority date (valid claim) Patent No. (day/month/year) (day/month/year) (day/month/year) JP 2003-111759 A 15 April 2003 (15.04.2003) 02 August 2002 (02.08.2002) 24 August 2001 (24.08.2001) [E, X] 2. Non-written disclosures (Rule 70.9) Date of written disclosure Kind of non-written disclosure Date of non-written disclosure referring to non-written disclosure (day/month/year) (day/month/year)



特 許 協 力 条 約

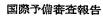
PCT

国際予備審査報告

REC'D 0 1 JUL 2004
WIPO PCT

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

| 出願人又は代理人 の書類記号 FPCT10870 | 今後の手続きについては、国際予備審査報告の送付通知(様式PCT/ IPEA/416)を参照すること。 | | | | |
|--------------------------------------|---|--|--|--|--|
| 国際出願番号 PCT/JP03/13771 | 国際出願日 (日.月.年) 28.10.2003 優先日 (日.月.年) 28.10.2002 | | | | |
| 国際特許分類 (IPC) Int. Cl ⁷ | A61B8/08 | | | | |
| | | | | | |
| 出願人 (氏名又は名称) 株式会社 | 日立メディコ | | | | |
| | | | | | |
| 1. 国際予備審査機関が作成したこの | 国際予備審査報告を法施行規則第57条(PCT36条)の規定に従い送付する。 | | | | |
| 2. この国際予備審査報告は、この表紀 | 氏を含めて全部で 5 ページからなる。 | | | | |
| □ この国際予備審査報告には、『 | 村属書類、つまり補正されて、この報告の基礎とされた及び/又はこの国際予備審 | | | | |
| 金機関に対してした訂正を含む | 3明細魯、請求の範囲及び/又は図面も添付されている。 | | | | |
| (PCT規則70.16及びPCT この附属書類は、全部で | 実施 | | | | |
| | | | | | |
| 3. この国際予備審査報告は、次の内容 | 字を含む。 | | | | |
| I X 国際予備審査報告の基礎 | | | | | |
| Ⅱ □ 優先権 | · | | | | |
| II X 新規性、進歩性又は産業 | 上の利用可能性についての国際予備審査報告の不作成 | | | | |
| IV 第明の単一性の欠如 | | | | | |
| V X PCT35条(2)に規定す | トる新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるため | | | | |
| の文献及び説明 VI X ある種の引用文献 | | | | | |
| Ⅷ 国際出願の不備 | | | | | |
| Ⅷ □ 国際出願に対する意見 | • | | | | |
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| | | | | | |
| 国際予備審査の請求審を受理した日 28.10.2003 | 国際予備審査報告を作成した日 09.06.2004 | | | | |
| 09.06.2004 | | | | | |
| 名称及びあて先 | 特許庁審査官 (権限のある職員) 2W 3101 | | | | |
| 日本国特許庁(IPEA/JP) 郵便番号100-8915 | 後藤 順也 | | | | |
| 東京都千代田区窟が関三丁目 4名 | | | | | |
| · | | | | | |



国際出願番号 PCT/JP03/13771

| I. 国際予備審査報告の基礎 | | | | | |
|---|--|--|--|--|--|
| 1. この国際予備審査報告は下記の出願書類に基づいて作成された。(法第6条(PCT14条)の規定に基づく命令に 応答するために提出された差し替え用紙は、この報告書において「出願時」とし、本報告書には添付しない。 PCT規則70.16,70.17) | | | | | |
| | | | | | |
| 明細書 第 ページ | 、出願時に提出されたもの | | | | |
| | 、国際予備審査の請求費と共に提出されたもの | | | | |
| 明細書第二二二二二二二二二二二二二二二二二二二二二二二二二二二二二二二二二二二二 | 、 | | | | |
| 頭求の範囲 第 | 、出願時に提出されたもの | | | | |
| | 、PCT19条の規定に基づき補正されたもの | | | | |
| | 、国際予備審査の請求審と共に提出されたもの | | | | |
| 請求の範囲 第 項 | | | | | |
| | 、出願時に提出されたもの | | | | |
| 図面 第ページ/図 | 、国際予備審査の請求暋と共に提出されたもの | | | | |
| 図面 第ページ/図 | 、付の書簡と共に提出されたもの | | | | |
| | | | | | |
| 明細書の配列表の部分 第 ページ | 、出願時に提出されたもの | | | | |
| 明細書の配列表の部分 第 ページ | 、出願時に提出されたもの 、国際予備審査の請求 魯と共に提出されたも の | | | | |
| 明細書の配列表の部分 第 | 、 付の書簡と共に提出されたもの | | | | |
| 2. 上記の出願書類の言語は、下記に示す場合を除くほか、こ | | | | | |
| 上記の書類は、下記の言語である | ာ စ် | | | | |
| | To offermental and offermental | | | | |
| 国際調査のために提出されたPCT規則23.1(b)にい | う翻訳文の言語 | | | | |
| PCT規則48.3(b)にいう国際公開の言語 | | | | | |
| 国際予備審査のために提出されたPCT規則55.2まだ | とは55.3にいう翻訳文の言語 | | | | |
| | | | | | |
| 3. この国際出願は、ヌクレオチド又はアミノ酸配列を含んで | おり、次の配列表に基づき国際予備審査報告を行った。 | | | | |
| この国際出願に含まれる 書面による配列 表 | | | | | |
| □ この国際出願と共に提出された磁気ディスクによる | · · · · · · · · · · · · · · · · · · · | | | | |
| 出願後に、この国際予備審査(または調査)機関に | | | | | |
| 出願後に、この国際予備審査(または調査)機関に | | | | | |
| l _ | • | | | | |
| | る国際出願の開示の範囲を超える事項を含まない旨の陳述 | | | | |
| | よる配列表に記録した配列が同一である旨の陳述杏の提出 | | | | |
| があった。 | こうこうがにになった記ができ、 このの日の秋からの近日 | | | | |
| 4. 補正により、下記の皆類が削除された。 | | | | | |
| □ 明細春 第 <u></u> | ページ | | | | |
| □ 請求の範囲 第 | 項 | | | | |
| □ 図面 図面の第 | ページ/図 | | | | |
| 5. この国際予備審査報告は、補充欄に示したように、補正が出願時における開示の範囲を超えてされたものと認められるので、その補正がされなかったものとして作成した。(PCT規則70.2(c) この補正を含む差し替え用紙は上 | | | | | |
| 記1. における判断の際に考慮しなければならず、本報 | 告に添付する。) | | | | |
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国際出願番号 PCT/IP03/13771

| Ⅲ. 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成 | | | | |
|--|--|--|--|--|
| 1. 次に関して、当該請求の範囲に記載されている発明の新規性、進歩性又は産業上の利用可能性につき、次の理由により 審査しない。 | | | | |
| 国際出願全体 | | | | |
| X | | | | |
| | | | | |
| 理由: | | | | |
| X この国際出願又は請求の範囲 | | | | |
| 請求の範囲13-20に記載される発明は、人の身体の診断方法と認められるので、PCT第34条(c)(i)及びPCT規則67.1(iv)の規定により、この国際予備審査機関が審査を要しない対象に係るものである。 | | | | |
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| 明細書、簡求の範囲若しくは図面(次に示す部分)又は請求の範囲 | | | | |
| 記載が、不明確であるため、見解を示すことができない(具体的に記載すること)。 | | | | |
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| 全部の請求の範囲又は請求の範囲 裏付けを欠くため、見解を示すことができない。 | | | | |
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| | | | | |
| 2. ヌクレオチド又はアミノ酸の配列表が実施細則の附属告C (塩基配列又はアミノ酸配列を含む明細告等の作成のための ガイドライン) に定める基準を満たしていないので、有効な国際予備審査をすることができない。 | | | | |
| ・ 書面による配列表が提出されていない又は所定の基準を満たしていない。 | | | | |
| □ 磁気ディスクによる配列表が提出されていない又は所定の基準を満たしていない。 √ | | | | |



国際出願番号 PCT/JP03/13771

| V. | 新規性、進歩性又は産業上の 文献及び説明 | 利用可能性についての法第12条(PCT35条(2))に定める見 | 解、それを裏付ける |
|----|--|---------------------------------|-----------|
| 1. | | | |
| | 新規性(N) | 請求の範囲 請求の範囲 1,2,11,12 | 有 無. |
| | 進歩性(IS) | 請求の範囲 請求の範囲 1,2,11,12 | 有 無 |
| | 産業上の利用可能性 (IA) | 請求の範囲 1,2,11,12 請求の範囲 | 有 |

2. 文献及び説明 (PCT規則70.7)

文献1. JP 7-303644 A (富士通株式会社) &US 5462058 A

・請求の範囲1,2,11,12について 請求の範囲1,2,11,12に記載される発明は、国際調査報告で引用する文献 1により新規性、進歩性を有さない。文献1には、断層像と弾性像を切換ながら取得 する超音波診断装置が開示されている。

国際予備審查報告

国際出願番号 PCT/JP03/13771

| VI. ある種の引用文献 | | | |
|--------------------|----------------|----------------|---------------------------|
| 1. ある種の公表された文書 (PC | T規則70. 10) | | |
| 出願番号 特許番号 | 公知日 (日.月.年) | 出願日 (日.月.年) | 優先日(有効な優先権の主張) (日.月.年) |
| JP 2003-111759 A | 15. 04. 2003 | 02. 08. 2002 | 24. 08. 2001 |
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| | , | • | • |
| | | | |

2. 春面による開示以外の開示 (PCT規則70.9)

 書面による開示以外の開示の日付
 書面による開示以外の開示の日付
 書面による開示以外の開示に言及している

 (日.月.年)
 書面の日付(日.月.年)